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| MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK |
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**FORMAL SESSION
December 17, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., December 17, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Father Bill Lake delivered the invocation.

PLEDGE OF ALLEGIANCE

Jim Bloom, District 3, led the assemblage in the Pledge of Allegiance.

PRESENTATION TO THE MARICOPA INTEGRATED HEALTH SYSTEMS BOARD AND CITIZEN'S ADVISORY TASK FORCE

Presentation of plaques to the Maricopa Integrated Health Systems Board and Citizen's Advisory Task Force for their contribution and dedication to the Maricopa County Health System. The names included Dr. William Dachman, Dr. Leonard Kirschner, Dr. Merlin DuVal, Tim Olson, Frank Nageotte, Diana Herrera, Merwin Grant, Pam Wight, Bill Sims. Unable to attend were Sarah Withgott, Dr. Kenneth Johnson, Dr. Jacqueline Chadwick, Dr. Marco Canulla, Chuck Shipley, Bill Bruno, Peter Fine and Ted Williams.

The Chairman and Supervisors were unanimous in their praise and appreciation of the help given through hundreds of hours donated by these citizens to benefit Maricopa Integrated Health Systems and Maricopa County.

CODE ENFORCEMENT HEARING - TIMOTHY A. AND VALORI SHORT – CONTINUED

Chairman Brock called for a public hearing with oral argument in the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-00912, Timothy A. and Valori Short, to be represented by Phillip A. Austin, Attorney. (Mr. Austin has requested a continuance of this hearing until January 21, 2004.) (ADM3417-22)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this hearing to the January 21, 2004, meeting.

PUBLIC HEARING – SUPERIOR COURT – CONTINUED

Chairman Brock called for a public hearing, pursuant to a request from the Presiding Judge of the Superior Court of Arizona in Maricopa County, to consider authorizing a Mediation No Show Fee of \$200 assessed upon all Superior Court family, juvenile, and civil cases, and upon all Justice Court cases that require a court ordered mediation session. Upon approval by the Board of Supervisors, the fee would be assessed upon the failure to appear for a court ordered mediation session scheduled after December 1, 2003. Authority for this request is based upon ARS §11-251.08 and the State of Arizona Attorney General Opinion I95-18 (R94-93). The fee would be deposited in the Domestic Relations Mediation/Education Fund (Fund 282) with the Maricopa County Treasurer for disbursement by the Presiding Judge with expenditures subject to appropriation by the Board. (C38040088) (ADM1005)

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The Clerk announced that there had been a request to continue this hearing to the January 7, 2004, meeting to clarify some language in the fee documents.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this hearing to the January 7, 2004, meeting.

PUBLIC HEARING – PUBLIC HEALTH - CONTINUED

Item: This is the time scheduled for a public hearing to consider approving a fee schedule for Public Health based on the results of a comprehensive fee study performed by Deloitte Consulting, LLP. (C8604021M) (ADM2151)

The Clerk announced that staff recommended that this item be continued to the January 7, 2004, meeting.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this hearing to the January 7, 2004, meeting.

PUBLIC HEARING - LIQUOR LICENSE APPLICATION

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license filed by Stanley Chang Hwang for an Original, Series 12 Liquor License: (LL6107)

Business Name: Shangri-La De Red Mountain
Location: 9624 East Apache Trail, Mesa

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

SOLICITATION SERIAL

NOTE: Solicitation Serial 03044-S was taken at this time to accommodate judicial representatives who were present to speak.

03044-S MITIGATION SERVICES SPECIALISTS-OCC (\$350,000 est/two (2) years w/four one year renewal options) (This item continued from the meetings of September 24, October 8, 22, November 5, and December 3, 2003.)
Award of a two (2) year contract for Mitigation Services Specialist(s) who will investigate, evaluate and present psychosocial and other mitigation evidence for indigent representation.

- Alan L. Ellis
- Christine Lawrence
- Connie A. Curtin
- David K. Wilcox
- Kerri Logan
- Marla V. Ruiz
- Michelle McCloskey
- Nora Shaw Investigations

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- Randall Walker
- Tyrone Mayberry

Supervisor Wilcox said this item had been continued several times because of various contracting issues and thanked all who took time from their busy schedules to participate in resolving the mitigation specialist selection process.

David Erickson, former Superior Court judge, said that mitigation specialists are a key component of the Court's work to assure that the prosecution, defense and adjudication of many serious cases is done with efficiency and justice. He thanked the County Supervisors, the Administration and others for continuing this matter long enough to promote needed communication on the various issues between the interested stakeholders. He indicated that this was part of a national effort to establish guidelines and rules on which the adjudication of very serious cases is processed within the mandated requirements of the U.S. Supreme Court and the Arizona Supreme Court.

Judge Ed Ballinger said he wanted to thank the Board for "rescuing the Department of Probation" early last year. He explained that until last year he had been forced to give a "dismal report" on probation in the criminal justice system to those who asked him. He reflected that the changes made by the Board have "done great things for your constituents." He predicted that the results of the contract negotiations would prove to be worth the wait.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the foregoing solicitation serial item. The action on the above item is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

PUBLIC HEARING – TRANSPORTATION

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to organize a street lighting improvement district located in the vicinity of Ventana Estates II Apartments and appoint the Superintendent of Streets as District Engineer. The district purpose is to establish street lighting facilities and purchase electric service for the lighting of the public streets and parks within the area. A petition representing 100% of the property owners of Ventana Estates II Apartments has been presented requesting the formation of this district. (C64041507) (ADM4302)

EXPENDITURE TRANSFER

Having found that such action is in the public interest and based upon a demonstrated need, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the expenditure transfer of \$48,352 from General Fund-General Government-General Contingency (100-470-4711) to the Constable's General Fund (100-250-2500). The transfer would be used to hire two temporary Deputy Constables through the end of FY 2003-2004 to provide coverage for two precinct courts that are currently assigned to two absent Constables. (C2504002M) (ADM1300)

Supervisor Wilson acknowledged the presence of Constables Ron Myers, Phil Hazlett and Joe Arredondo who were present at the meeting.

ADDITIONAL GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION – CRIME VICTIM COMPENSATION PROGRAM

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Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve receipt of additional grant funds from the Arizona Criminal Commission for FY 2003-2004 for the Crime Victim Compensation Program in the amount of \$600,035. The Arizona Criminal Justice Commission certification number VC-04-056 funding commenced on July 1, 2003, and will terminate on June 30, 2004. The grant funds may not be expended for any indirect costs that may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. This amendment will increase the County Attorney's revenue and expenditure for the County Attorney Grant Fund (219) in FY 2003-2004 by \$600,035. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C1904007301)

GRANT FUNDING FROM OFFICE OF JUSTICE PROGRAMS, OFFICE FOR VICTIMS OF CRIME, DEPARTMENT OF JUSTICE – CRIME VICTIM COMPENSATION PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve receipt of grant funds from the Office of Justice Programs, Office for Victims of Crime, Department of Justice, for FY 2003-2004 for the Crime Victim Compensation Program (VOCA allotment) in the amount of \$768,581. The Arizona Criminal Justice Commission certification number VC-04-056 funding commenced on October 1, 2003, and will terminate on September 30, 2004. The grant funds may not be expended for any indirect costs that may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. This amendment will increase the County Attorney's revenue and expenditure for the County Attorney Grant Fund (219) in FY 2003-2004 by \$263,689. The remaining \$192,145 will be included in the County Attorney's budget. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C1904007302)

POLLING PLACES, ELECTION AND TALLY BOARDS FOR PRESIDENTIAL PREFERENCE ELECTION TO BE HELD FEBRUARY 3, 2004

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following for the Presidential Preference election to be conducted February 3, 2004: (C21040077) (ADM1717)

- a. polling places - authorize the Director of Elections to select and designate additional polling places if needed due to changes or unavailability of polling places;
- b. appointment of election boards and tally boards necessary to conduct the election upon selection by the Director of Elections and filing with the Clerk of the Board of Supervisors, and provide for payment of election board communication expenses.

EXTENSION AGREEMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF EL MIRAGE

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an extension agreement to the Intergovernmental Agreement between Maricopa County and the City of El Mirage to allow El Mirage Municipal Court to lease courthouse and parking space

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currently occupied by the Superior Court at the Northwest Facility. El Mirage has agreed to pay the County \$2,788.86 per month from January 1, 2004, through December 31, 2004. (C3803012201)

MARICOPA COUNTY AND JUDICIAL BRANCH PERSONNEL AGENDAS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. (List on file in the Clerk of the Board's Office.)

WAIVER TO THE LEAVE PLAN REGARDING EMPLOYEES CARRYING FORWARD MORE THAN 240 HOURS OF PTO HOURS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a waiver to the leave plan and allow the following Maricopa County Materials Management employees to carry forward more than 240 hours of paid-time-off (PTO) hours into calendar year 2004. Currently, employees are not allowed to carry forward more than 240 hours of paid-time-off hours from one calendar year to the next. Due to the "PeopleSoft Transition" the new payroll/time accounting system, these employees were not able to use their paid-time-off hours as originally anticipated. (C31040036) (ADM3320)

- Stanley Fisher – 68 hours above 240
- Walter Weglarz – 72 hours above 240

APPROPRIATION ADJUSTMENT AND EXPENDITURE APPROPRIATION ADJUSTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an appropriation adjustment to the Finance Department (Department 180/Fund 100), to decrease revenues by \$319,802 due to reduced Central Services Cost Reimbursement from the Human Services Department. Also approve an expenditure appropriation adjustment reduction in the amount of \$319,802 to General Government, General Fund General Contingency (Department 470/Fund 100). This adjustment does not alter the duly adopted budget for purposes of ARS §42-17105, but rather, reflects internal structural adjustments necessitated by revenue reductions related to the County's Central Service Cost Allocation. These actions will be offset with overstated adjustments to the Eliminations Fund (Department 980/Fund 900) for a countywide net impact of zero. This adjustment is necessary to correct Agenda Item C22041048, which overstated the amount of Central Service Costs that the Human Services Department would be able to recover. (C49040188) (ADM2500-003)

EXPENDITURE APPROPRIATION ADJUSTMENTS

In accordance with ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following expenditure appropriation adjustments totaling \$3,914,918 (\$2,735,186 for the General Fund and \$1,179,732 for the Detention Fund): (C49040198) (ADM2500-003)

- reduce General Government General Fund Reserved Contingency-Health/Dental Premium Increase (100-470-4711) in the amount of \$2,735,186;
- reduce General Government Detention Fund Reserved Items - New Facility Operating Costs (255-470-4711) in the amount of \$1,179,732; and

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- increase departmental General and Detention fund budgets by the amounts referenced on the attached schedule.

This action is required to fund the employer portion of the Health and Dental premium changes as indicated on Agenda Item C35040110, approved by the Board on September 24, 2003. The countywide net impact of these adjustments is zero.

FUND TRANSFERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

INTERGOVERNMENTAL AGREEMENT WITH CITY OF CHANDLER

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a new Intergovernmental Agreement (IGA) with the City of Chandler, that provides for the city to convey, at no cost, to Maricopa County, title to property for the purpose of constructing two Justice Courts initially, with an option for another adjacent property in the event Maricopa County elects to construct additional courts. The deed will contain a provision that title will revert to the city in the event that the county does not commence construction within two years of the date the city conveys title to the county. The county will accept title on an "as is" basis and will be responsible for all construction costs for its facility and for costs of maintaining and operating the facility. The city retains a Right-of-First-Refusal to repurchase the properties exclusive of any improvements for One Dollar in the event county ceases to use the property. (C18040192)

Chairman Brock said that the City of Chandler has offered free land to the County for the installation of two Justice Courts. He added, "Would that all municipalities had such strategic thinking and planning to assist the consolidation of Courts." He thanked the Chandler city planners for their forward thinking.

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Solicitation Serials: (This item, 03044-S, was considered at the beginning of the meeting to accommodate two Superior Court Judges who wished to comment.)

03044-S MITIGATION SERVICES SPECIALISTS-OCC (\$350,000 est/two (2) years w/four one year renewal options) (This item continued from the meetings of September 24, October 8, 22, November 5, and December 3, 2003.)

Award of a two year (2) contract for Mitigation Services Specialist(s) who will investigate, evaluate and present psychosocial and other mitigation evidence for indigent representation.

- Alan L. Ellis

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- Christine Lawrence
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- Michelle McCloskey
- Nora Shaw Investigations
- Randall Walker
- Tyrone Mayberry

03131-C X-RAY SCANNER AND METAL DETECTOR (\$216,000 est/three (3) years with three one (1) year renewal options) (Continued from meeting of December 3, 2003.)

Pricing agreement to purchase X-Ray Scanners and Metal Detectors, as requested by the MCSO New Jail construction, MCSO Procurement, and Facilities Management Departments.

- Smiths Detection, Inc.

03141-RFP FACILITY MANAGEMENT SERVICES (\$4,300,000 est/ten (10) years)

Ten year Facility Management Agreement to provide comprehensive property management and maintenance services for the Black Canyon Adult Probation property (estimated at \$2,500,000). This agreement also includes tenant improvements, fixtures, furniture and equipment (estimated at \$1,450,000). In addition, there is a contingency for major maintenance over the course of the agreement (estimated at \$350,000).

- Ryan Companies US INC

03148-C CERAMIC COOLING TOWER PARTS (\$300,000 est/three (3) years with one three (3) year renewal option)

Pricing agreement to purchase Ceramic Cooling Tower Parts for use in existing Cooling Towers maintained by the Facilities Management Department.

- Climatec Incorporated

03220-ROQ LEGISLATIVE SERVICE PROVIDERS (\$360,000 est/two (2) years and ten (10) months with three one (1) year renewal options)

Pricing agreement to provide Legislative (Lobbyist) Services for the County at the State level.

- Highground, Inc.

Increase in the contract amount for the following contract(s). This request is due to an increased usage by County departments.

01028-SC CONSTRUCTION EQUIPMENT RENTAL WITH OPERATOR

Increase contract value from \$695,000 to \$995,000. This \$300,000 increase is requested by the Department of Transportation to provide for continued Construction Rental Equipment Services. This contract was initially awarded on June 6, 2001, amended by the Board on August 27, 2003, and has a contract expiration date of June 30, 2004.

- Breinholt Contracting, Co., Inc.

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- O'Brien Concrete Pumping, A Div of Richard O'Brien Companies
- Ronk's Excavating
- Qualex Construction, Inc.
- Quackenbush Construction Corp.

AMENDMENTS TO AFFILIATION AGREEMENTS WITH ARIZONA COLLEGE OF ALLIED HEALTH

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment Nos. 2 to Affiliation Agreements between Correctional Health Services (Department 260) and Arizona College of Allied Health to continue maintaining and operating clinical externship programs, as follows. The amendments will extend the Affiliation Agreements for a period of one year from March 1, 2004, through February 28, 2005. There are two optional one-year renewals. There is no financial impact associated with these affiliation agreement amendment.

- a. Medical Assistants (C26040100) (C26020090)
- b. Pharmacy Technicians (C26040110) (C26020110)
- c. Health Information Specialist (C26040120) (C26020100)

RESOLUTION – REASONABLY AVAILABLE CONTROL TECHNOLOGY FOR ONE-HOUR OZONE RE-DESIGNATION REQUEST AND MAINTENANCE PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt a resolution describing a Maricopa County commitment to implement Reasonably Available Control Technology for the One-hour Ozone Re-designation Request and Maintenance Plan and submit it as a revision to the Arizona State Implementation Plan (SIP) for Ozone. Maricopa County may modify funding sources or schedules of implementation actions, if necessary. (C8800017601) (ADM2351)

RESOLUTION

**TO IMPLEMENT RACT FOR THE ONE-HOUR OZONE REDESIGNATION REQUEST AND
MAINTENANCE PLAN FOR THE MARICOPA COUNTY NONATTAINMENT AREA.**

WHEREAS, as the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona as the regional air quality planning agency in Maricopa County, and

WHEREAS, the Maricopa County nonattainment area has been reclassified as a Serious Area for ozone according to the Clean Air Act, and

WHEREAS, the One-hour Ozone Redesignation Request and maintenance Plan is required to include Reasonably Available Control Technology (RACT), and

WHEREAS, MAG's goal is to request redesignation to attainment for the one-hour ozone standard, and

WHEREAS, an enforceable commitment to complete implementation of RACT in three source categories, and

WHEREAS, Arizona Revised Statutes 49-406 G, requires that each agency that commits to implement a control measure described that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measures as provided in statute, ordinance, or rule; a program

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for enforcement of the measures; and the level of personnel and funding allocated to the implementation of the measure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS, MARICOPA COUNTY (BOARD) as follows:

SECTION 1. That the BOARD agrees to proceed with a good faith effort to implement the measures identified in Exhibit A, (on file), which is part of this resolution.

SECTION 2. That the BOARD commits to implement the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, Maricopa County reserves the right to reevaluate and, if necessary, modify the funding or schedules for implementation actions.

DATED this 17th day of December 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

AWARD OF FEDERAL ASSISTANCE UNDER NON-ASSISTANCE COOPERATIVE AGREEMENT FROM U.S. DEPARTMENT OF AGRICULTURE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve acceptance of an award for Federal Assistance under Non-Assistance Cooperative Agreement No. FSIS-C-05-2003 in the amount of \$23,189 from the U.S. Department of Agriculture. The agreement award period will be retroactive to September 15, 2003, through September 14, 2004. Also, cash matching funds of \$0.00 and in-kind matching funds of \$3,458 are required. The in-kind match will come from 270 hours of Department staff time. The total amount of this agreement is \$26,647. The grant funds will be used for the enhancement and development of an outreach to small and disadvantaged retail establishments for meat and poultry education in retail for the Food Safety and Inspection Service. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment of \$23,189 does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C88040153)

AMENDMENT TO REVENUE CONTRACT WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to the revenue contract with the Arizona Department of Economic Security (ADES), Workforce Investment Act Administration, to make administrative changes to the IGA. The total amount of the IGA remains unchanged (\$7,714,657 in total). The purpose of the IGA is to provide Workforce Investment Act (WIA) Title 1-B employment and training services. The term of this amendment is December 3, 2003, through June 30, 2006. (C2204093201)

INTERGOVERNMENTAL AGREEMENT WITH RIO SALADO COMMUNITY COLLEGE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) with Rio Salado Community College in the amount of \$48,360 for the provision of English as a Second Other Language (ESOL) classes for Workforce

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Investment Act (WIA) program participants. The term of the contract is October 27, 2003, through May 31, 2004. The funding for this agreement is WIA grant funding. This agreement does not contain any county general funds. (C22041102)

AMENDMENT TO LEASE WITH DOCTOR HENRY BOCK

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute Amendment No. 3 to Lease No. L7142 with Doctor Henry Bock, Lessor, for the continued use of a 2,976 square foot North Central Women and Infant Care (WIC) facility located at 9100 North Central Avenue, Phoenix. The term will remain the same, to terminate September 30, 2005. Due to property assessment valuation increase, the monthly rental rate will increase \$68. The amended annual rental will be \$38,760 plus 2.4% rental tax (at \$13.02 per square foot). This lease contains a 90-day cancellation clause. (C8698013404)

AMENDMENT TO SOLE SOURCE CONTRACT WITH CENTRAL ARIZONA SHELTER SERVICES, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 3 to Sole Source Contract with Central Arizona Shelter Services, Inc., for the provision of dental services to homeless individuals. The amendment increases the contract dollar amount by \$50,000 and retroactively extends the budget term from November 1, 2003, to October 31, 2004. Total funding for the contract will increase from not-to-exceed \$150,000 to \$200,000. All other terms and conditions remain unchanged. (C8601061103)

LEASE WITH PHOENIX MALL PROPERTIES, LLC

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve renegotiated limited service lease No. L7320 with Phoenix Mall Properties LLC, a Delaware Limited Liability company, for 4,373 square feet of space located at Spectrum Mall, 1752 West Montebello Avenue, Phoenix Arizona. The premises will continue to be used as a child immunization clinic for school age children. This lease replaces a license agreement for use of the premises that has been in effect since April 3, 2002, that will expire on December 31, 2003. The new term will be for 36-months commencing on January 1, 2004, and expiring on December 31, 2006. Annual rents, including commercial rental tax:

- Year-1 \$29,448.91
- Year-2 \$30,315.72
- Year 3 \$31,211.27

Also, merchant's association fees are \$600 per year. Maricopa County is responsible for pro rated common area maintenance costs of \$2.00 per square foot, per year, plus utility costs estimated at \$2.50 per square foot, per year (\$10,932.50). (C8602138402)

SETTLEMENT OF CLAIM REGARDING LUCID SOLUTIONS, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve settlement of a claim by Lucid Solutions, Inc, in the amount of \$16,520 for work performed for the Department of Public Health during the months of September and October of 2003. (Discussed in Executive Session on December 15, 2003.) (C8604036M) (ADM409)

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NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a non-financial Intergovernmental Agreement with the Maricopa County Community College District (MCCCD) to allow the Department of Public Health to utilize MCCCD facilities during a public health emergency. (C86040242)

CORRECTION TO ACTION TAKEN REGARDING INTERGOVERNMENTAL AGREEMENT WITH GLENDALE ELEMENTARY SCHOOL DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to correct action taken on October 8, 2003, regarding Intergovernmental Agreement with the Glendale Elementary School District for the provision of school-based tobacco use prevention and education services. The original agenda incorrectly identified the contract amount as not-to-exceed \$4,000. Total funding for this contract is \$8,000. (C8604328201)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH PARADISE VALLEY UNIFIED SCHOOL DISTRICT NO. 69

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to an Intergovernmental Agreement with the Paradise Valley Unified School District No. 69 to provide school-based tobacco use prevention and education services. The amendment increases the dollar amount by \$2,000, from \$60,000 to \$62,000 for the term ending June 30, 2004. All other terms and conditions remain unchanged. (C8604353201)

CONTRACT WITH CHICANOS POR LA CAUSA, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a contract with Chicanos Por La Causa, Inc., for the provision of tobacco use prevention and education services to the Hispanic/Latino community within Maricopa County. The term of the contract is from January 1, 2004, and continues through June 30, 2004, for a contract amount of not-to-exceed \$41,100. (C86043671)

CHANGE ORDER TO CONTRACT WITH DURRANT/HOK ARCHITECTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 11 to Contract JE99-02 with Durrant/HOK Architects, in the amount of \$474,254. This contract is for the architectural services related to the construction of 4th Avenue Jail Project in Phoenix. Change Order No. 11 incorporates additional supplementary scope of work services required from January 1, 2004, to June 30, 2004. The increase is within the budget. (C4000004102)

CHANGE ORDER TO CONTRACT WITH SMITH/WOODS CONTRACTING

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 10 to Contract JE01-07 with Smith/Woods Contracting in the amount of \$51,524. This contract is for the construction of the Southeast Juvenile Detention Facility. Change Order No. 10 incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. (C4001025105)

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ADMINISTRATIVE CORRECTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an administrative correction to agenda item C15040403 to modify the language and amount regarding the indirect cost rate in the original action approved by the Board on November 19, 2003. The Maricopa County Department of Emergency Management (MCDEM) received \$70,625 in Community Emergency Response Teams (CERT) Grant funds from the Department of Homeland Security, Federal Emergency Management Agency (DHS, FEMA). Funds from this grant will be allocated to political subdivisions of the government and non-profit organizations within Maricopa County. The MCDEM will determine the distribution of funds. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. The grant award period is August 1, 2003, through July 3, 2004. The grantor will provide advance funding for the grant in two installments. (C1504040301)

INTERGOVERNMENTAL AGREEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) between the Maricopa County Department of Emergency Management (MCDEM) and the following five entities. This IGA is required for all Municipal Corporations, Indian Nations/Tribes, and other Public Agencies participating in the U.S. Department of Homeland Security (DHS), Office of Domestic Preparedness (ODP) reimbursement grant programs. This IGA shall be in effect for one year and shall automatically renew for one year periods effective from the date of execution until either party gives written notice of intent not to renew thirty days prior to the end of the one-year period. There is no financial impact with this IGA. The five entities are: (C15040422ZZ)

- Town of Buckeye (C15040432)
- City of El Mirage (C15040442)
- Town of Paradise Valley (C15040452)
- Tonopah Valley Fire District (C15040462)
- Daisy Mountain Fire District (C15040472)

CONTRACTS FOR PROFESSIONAL SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve professional services contracts for two-year periods (each contract) to provide "as needed" services. The consultant will provide planning, programming, estimating, design, and construction administration services for various county projects. Consultant fees for the two-year period shall be \$250,000 or less (each contract) and are paid by the County's Major Maintenance budget or by budgeted department funds.

- a) Electrical Engineering Services:
LSW Engineers Arizona, Inc. (C70040415)
CR Engineers, Inc. (C70040475)
- b) Mechanical Engineering Services:
LSW Engineers Arizona, Inc. (C70040425)
Synectic Design, Inc. (C70040435)

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- c) Architectural Services:
Metropolis Design Group, LLC (C70040445)
Eric Leibsohn & Associates, Ltd. (C70040455)
Saemisch DiBella Architects, Inc. (C70040465)
Fore Dimensions, LLC (C70040485)

CONTRACT WITH ADAPTIVE CM, LLC

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the award of contract CFD03-04 to Adaptive CM, LLC for design and construction of the Durango Juvenile Dining Addition, Building No. 1706, Project No. 2003407596, in the amount of \$365,988. The project work site is located at 3125 West Durango Street, Phoenix. The project is funded by the Jail Tax, Fund 455, Agency 409, Organization 4091, Object 0915.01, Function Code JJDR. (C70040495)

CALL FOR BIDS AND AWARD – MARICOPA COUNTY COMMUNITY LAS ARTES MOSAIC ARTS TENANT IMPROVEMENT PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the public notice legal advertisement and award of a Construction Manager-At-Risk contract for the Maricopa County Community Las Artes Mosaic Arts Tenant Improvement Program, Building No. 3321 Renovation, Project No. 2002301385, provided that the guaranteed maximum price is not more than 10% over the independent estimate. The project site is located at 501 West Jackson Street, Phoenix. The project is funded in the FY 2003-2004 Major Maintenance Budget, Fund 100, Agency 480, Organization 4832, Object Code 0915.01, Function Class DSBI. (C70040505)

TRANSFER EXPENDITURE AUTHORITY

Per ARS §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to transfer expenditure authority from FY 2003-2004 contingency funds in the amount \$52,666 from General Government (470) General Fund (100) Reserved Contingency-Unfunded Liabilities (4711) to General Government (470) General Fund (100) Other Programs – State Property Acquisition Expenses (4712). These funds will be used to provide additional maintenance and security requirements for the 32nd Street & Van Buren property transferred from the State of Arizona to the County of Maricopa. Approval of the funding will provide for limited services at this site from January 1, 2004, until April 30, 2004. Maricopa County will continue to work with the existing utility, security and maintenance providers to provide these services and will issue purchase orders through Materials Management. In the event that new services are required or that the existing State of Arizona providers do not wish to continue services for Maricopa County at the same rate, Facilities Management will use existing county contract vendors or will obtain quotes for the necessary services to facilitate the completion of these services. (C70040518) (ADM800-003)

EASEMENTS, RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A245.004 Project No: 69010 - Mallory Street (85th Street to 87th Street) - Easement and
(TS) Agreement for Highway Purposes - Parcel No. 219-31-011V - Glenn Herbert Marble

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and Virginia Ruth Marble - for the sum of \$2,870.00.

A245.004
(TS) Project No: 69010 - Mallory Street (85th Street to 87th Street) - Purchase Agreement and Escrow Instructions - Parcel No. 219-31-011V - Glenn Herbert Marble and Virginia Ruth Marble.

A247.004
(TS) Project No: 69010 - Rex Avenue (4th Avenue to Apache Trail) - Easement and Agreement for Highway Purposes - Parcel No. 220-66-032A - Don, Dan and Dave Smith, L.L.C., an Arizona limited liability company - for the sum of \$12,500.00.

A247.004
(TS) Project No: 69010 - Rex Avenue (4th Avenue to Apache Trail) - Purchase Agreement and Escrow Instructions - Parcel No. 220-66-032A - Don, Dan and Dave Smith, L.L.C., an Arizona limited liability company.

A260.001
(AC) Project No: 69010 - 222nd Street (Pecos Road - Williams Field Road) - Easement and Agreement for Highway Purposes - Parcel No. 304-34-017K - Larry R. Hanson and Pamela J. Hanson - for the sum of \$14,525.00.

A260.001
(AC) Project No: 69010 - 222nd Street (Pecos Road - Williams Field Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-34-017K - Larry R. Hanson and Pamela J. Hanson.

A267.022
(LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Warranty Deed - Parcel No. 303-33-011C - Dennis DeWulf and Kathy DeWulf - for the sum of \$116,260.00 (includes cost-to-cure amount).

A267.022
(LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-33-011C - Dennis DeWulf and Kathy DeWulf.

A267.022-1
(LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 303-33-011C - Dennis DeWulf and Kathy DeWulf - for the sum of \$1,910.00.

A267.022-2
(LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Drainage Easement - Parcel No. 303-33-011C - Dennis DeWulf and Kathy DeWulf - for the sum of \$32,098.00.

A272.001
(TS) Project No: 69010 - 12th Street North of Joy Ranch Road - Right-of-Way - R/W No.: 16-109208 - State Land Department State of Arizona.

A288.001
(AC) Project No: 69010 - Maddock Road (17th Avenue - 11th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 211-51-009D - Bonnie Shand - for the sum of \$10,736.00.

A288.001
(AC) Project No: 69010 - Maddock Road (17th Avenue - 11th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 211-51-009D - Bonnie Shand.

X-582, X-583, X-584 & X-585 Project No: 68957 - Gilbert Road (McDowell Road to SR 87) - Application for Right-of-Way per previous Board approval of items 13.1 and 14.1 contained in the

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Intergovernmental Agreement Board Item C-64-03-135-2 and recorded December 24, 2002 in Maricopa County Records 2002-1391441 - Salt River Pima Maricopa Indian Community.

X-582, X-583, X-584 & X-585 Project No: 68957 - Gilbert Road (McDowell Road to SR 87) - Applicant's Certificate (Mylar Prints)-Salt River Pima Maricopa Indian Community.

ROAD ABANDONMENT (ROAD FILE NO. 5237)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64041337)

WHEREAS, pursuant to ARS §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

That certain roadway known as Cloud Road as shown in "Chandler Mesa Ranches" a subdivision of the east one-half (E ½) of Section 25, T2S, R6E, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as recorded in Book 106 of Maps, page 35, MCR, said portion of Cloud Road is more particularly described as follows:

That portion of Cloud Road being 60 feet wide as shown in said "Chandler Mesa Ranches" subdivision, lying northerly and adjacent to Lot 3 of Block 1 and southerly and adjacent to Lot 6 of Block 2 in said subdivision.

Said roadway known as Cloud Road, from the northerly extension of the west line of Lot 3, easterly to the northerly extension of the east line of said Lot 3 in said Chandler Mesa Ranches.

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 17th day of December 2003.

PURCHASE OR CONDEMN PROPERTIES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize Maricopa County Department of Transportation to purchase or condemn the entire properties identified by Assessor Parcel Nos. 503-53-025G, 503-53-025J, 503-53-025Q, and 503-53-025R, located approximately ½ mile west of the Estrella Roadway and the 115th Avenue alignment. Authorization is sought under ARS §11-251(48), which provides the county with the option to acquire an entire ownership rather than proceed with a partial acquisition, when the board and the affected property owner determine that the remainder will be left in such a condition as to give rise to a claim or litigation concerning

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severance damages. The property being acquired includes 11.94 acres of land that is needed for construction of the Estrella Roadway and a remaining 75 acres as mitigation to severance damage claims. (C64041405) (ADM2005)

CALL FOR BIDS AND AWARD – RECONSTRUCTION PROJECT T150, CAREFREE HIGHWAY, 7TH AVENUE TO CAVE CREEK ROAD

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation of bids for the Maricopa County Department of Transportation's Reconstruction Project T150, Carefree Highway, 7thAvenue to Cave Creek Road (McDOT No. 69066), and award of a contract to the lowest responsive responsible bidder, providing the lowest responsive responsible bidder does not exceed the engineer's estimate by more than 10%. (C64041435)

CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Consultant Services Contract No. CY 2004-31 with Kimley-Horn and Associates, Inc. in an amount not to exceed \$222,320.89 to perform ITS design services for project T025, Bell Road: Loop 101 to Grand Avenue , (MCDOT No. 40012590). (C64041445)

CHANGE ORDER TO CONTRACT WITH EDWARD KRAEMER & SONS, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 3 to Contract No. CY 2003-22 with Edward Kraemer & Sons, Inc. to compensate the contractor for additional cost of accelerating a portion of the project. The reason for this change is because Sunbelt Holdings, the Developer for the Vistancia Project, expressed a need to have Agua Fria Boulevard open to traffic from 99th Avenue to the Estrella Roadway by December 1, 2003. Sunbelt Holdings has entered an agreement to pay for the acceleration costs. This change order will increase the total contract amount by \$116,600 for a revised contract amount of \$12,095,604.97. (C64041455) (C64030375)

MARICOPA INTEGRATED HEALTH SYSTEM PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F). (List on file in the Clerk of the Board's Office.)

CONTRACT WITH ABRAZO HEALTH CARE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve a new contract with Abrazo Health Care dba VHS of Arrowhead, Inc., dba Arrowhead Community Hospital and Medical Center, VHS Acquisition Corporation, dba Maryvale Hospital Medical Center, VHS Acquisition Subsidiary Number 1, Inc., dba Paradise Valley Hospital, VHS of Phoenix, Inc., dba Phoenix Baptist Hospital Medical Center, VHS Acquisition Company Number 1, LLC dba Phoenix Memorial Hospital, and Hospital Development of West Phoenix dba West Valley Hospital Medical Center for provision of hospital services for Maricopa Integrated Health System – Health Plan (MIHS-HP) members. The term of the contract is October 1, 2003, through September 30, 2008. This contract will be funded through the pool established by Agenda No. C6002067, for all hospital services, with a current not-to-exceed amount of \$121,272,000. This contract has a 90-days termination for

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convenience provision and is for its maximum term of five years. (Continued from meeting of November 19, 2003.) (C60041021)

AMENDMENT TO ACUTE CARE REVENUE CONTRACT WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve Amendment No. 4 to the acute care revenue contract (effective October 1, 2003) with the Arizona Health Care Cost Containment System (AHCCCS No. YH04-0001-04). This amendment replaces Section B with the final revised capitation rates. This contract has an initial term from October 1, 2003, through September 30, 2006, with two one-year options to renew. AHCCCSA may terminate this contract with or without cause. Budgeted annual net income is revised to \$6,330,984. Approval of this action will authorize a FY 2003-2004 revenue appropriation adjustment in the amount of \$3,087,637 and a FY 2003-2004 expenditure appropriation adjustment in the amount of \$3,087,637 to AHCCCS fund (540). These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. An additional increase for FY 2004-2005 in revenue in the amount of \$1,029,212 and in expenditure in the amount of \$1,029,212 will be included in the budget preparation process. (C6004094201)

LEASE WITH CENTERRE REHABILITATION HOSPITAL OF ARIZONA, LLC - CONTINUED

Item: Approve an eight-year lease with Centerre Rehabilitation Hospital of Arizona, LLC for the 7th Floor of Maricopa Medical Center for \$34,666.67 per month. Centerre Rehabilitation of Arizona will operate an inpatient rehabilitation hospital at the site and upon the subsequent approval of a call for bids, award of a construction contract, and the completion of building renovations. The effective date of the lease will be upon completion of construction improvements with an estimated effective date of May 1, 2004. The lease allows for an additional eight-year renewal term. Consistent with Agenda C90040505, the initial \$350,000 of Centerre lease charges will be forgiven. In FY 2003-2004, projected charges of \$69,333 will be forgiven against projected revenue of \$69,333, resulting in net revenue of zero. In FY 2004-2005, projected charges of \$280,667 will be forgiven against projected revenue of \$416,000, resulting in net revenue of \$135,333. No additional forgiveness of lease charges is included. (Continued from meetings of November 19, and December 3, 2003.) (C90040494)

This item was continued to the December 22, 2003, meeting.

CREATE MAJOR MAINTENANCE PROJECT AND CALL FOR BIDS AND AWARD – HOSPITAL 1ST AND 7TH FLOORS RENOVATIONS IN MARICOPA HEALTH SYSTEMS - CONTINUED

Item: Create a Major Maintenance Project called "Hospital First and Seventh Floor Renovations" in Maricopa Health Systems (Dept. 900, Fund 535), adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the architect's estimate for the Major Maintenance Project. The project consists of Improvements necessary for the renovation of the 1st and 7th floors of the Maricopa Medical Center to accommodate the relocation of the Endoscopy Department and the creation of an Acute Rehabilitation Unit. First Floor renovations (\$326,000) have been included in the Maricopa Health System budget. The 7th Floor renovations will be funded by the lease improvement reimbursements from the lease agreement with Centerre Rehabilitation Hospital of Arizona, LLC (Agenda C90040494). Approval of this action will authorize a FY 2003-2004 expenditure appropriation transfer of \$1.2 million from Appropriated Fund

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Balance (Dept 480) Detention Fund (255) General Contingency (4811) to Maricopa Health System (Dept 900) Fund 535. This action will result in a countywide net impact of zero. (Continued from meetings of November 19, and December 3, 2003.) (C90040505)

This item was continued to the December 22, 2003, meeting.

AGREEMENT FOR PURCHASED ANCILLARY SERVICES WITH CENTERRE REHABILITATION HOSPITAL OF ARIZONA, LLC - CONTINUED

Item: Approve an eight-year agreement for purchased ancillary services with Centerre Rehabilitation Hospital of Arizona, LLC for usage of the 7th Floor of Maricopa Medical Center. Payments to MIHS for these services are based on a case rate or usage of those services necessary to provide rehabilitation services to the patients of Maricopa Medical Center. Centerre Rehabilitation of Arizona will operate an inpatient rehabilitation hospital at the site and upon the subsequent approval of a call for bids, award of a construction contract, completion of building renovations, and approval of the proposed lease agreement. The effective date of this purchased service agreement will parallel the proposed lease agreement (C90040494) and have an estimated effective date of May 1, 2004, and will allow for an additional eight year renewal term. The projected gross revenue for this service agreement shall be \$4,071,240; of this amount \$250,000 will be forgiven, leaving a net revenue of \$3,821,240. Consistent with Agenda C90040505, the initial \$250,000 of Centerre charges for ancillary services will be forgiven. In FY 2003-2004, projected charges of \$84,818 will be forgiven against projected revenue of \$84,818, resulting in net revenue of zero. In FY 2004-2005, projected charges of \$165,182 will be forgiven against projected revenue of \$508,905, resulting in net revenue of \$343,722. No additional forgiveness of charges is included for ancillary services. (Continued from meeting of November 19, and December 3, 2003.) (C90040601)

This item was continued to the December 22, 2003, meeting.

AMENDMENT NO. 5 TO CONTRACT WITH MEDICAL PROFESSIONAL ASSOCIATES OF ARIZONA, P.C. (MedPro) - CONTINUED

Retroactively approve Amendment No. 5 to the contract with Medical Professional Associates of Arizona, P.C. (MedPro), effective July 1, 2003. Amendment No. 5 updates several compensation and regulatory provisions in the MedPro contract, as follows: (C9002059105)

- Updates compensation provisions relating to the MIHS Home Physician Program
- Updates language specific to the provision of Anesthesiology services
- Updates language specifying the establishment and reporting of a budget for academic affairs
- Updates language specifying reporting of hours by CHC/FHC Medical Directors
- Updates compensation provisions consistent with renegotiated rates with Value Options
- Removes language relative to the Family Practice Hospital Fellowship
- Removes language relative to the U of A Medical Student Clerkship Directors
- Adds language relative to the Toddler Car Seat Grant program
- Adds language specifying MedPro compliance with MIHS employee health standards
- Adds language reflecting changes in MIHS Ability to Pay Program (ATPP)
- Updates Attachment Z, FHC staffing
- Updates Attachment Compensation 4, by adding DOC and Chief of Med Staff Directorships

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- Updates language concerning reconciliation of FHC sessions.

This item was continued to the December 22, 2003, meeting.

AMENDMENT NO. 6 TO CONTRACT WITH MEDICAL PROFESSIONAL ASSOCIATES OF ARIZONA, P.C. (MedPro) - CONTINUED

Approve Amendment No. 6 to the contract with Medical Professional Associates of Arizona, P.C. (MedPro), effective January 1, 2004. Amendment No. 6 establishes calendar year 2004 compensation terms, and updates other language provisions. The amendment enacts the following changes: (C9002059106)

- Revises the MIHS-HP rate of payment to MedPro
- Adds compensation to MIHS for services at the Comprehensive Healthcare Center (CHC)
- Revises MIHS compensation to MedPro for Trauma on-call services
- Clarifies the Reciprocal Right of First Refusal provision, specific to MIHS-HPs
- Revises the Reciprocal Right of First Refusal provision, specific to the MIHS healthcare delivery system
- Revises FHC reimbursement
- Updates teaching reimbursement
- Updates ER compensation
- Adds department directorships
- Adds compensation for Pathology staffing
- Adds compensation for IRB support
- Updates OB Anesthesia reimbursement
- Adds self pay patient reimbursement
- Updates Psychiatric compensation language
- Extend lease terms through December 31, 2004

This item was continued to the December 22, 2003, meeting.

CLINICAL TRAINING AGREEMENT WITH SAMARITAN COLLEGE OF NURSING AT GRAND CANYON UNIVERSITY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve a new Clinical Training Agreement with Samaritan College of Nursing at Grand Canyon University and Maricopa Integrated Health System (MIHS). The agreement establishes guidelines for the collaboration of the two parties to train nursing students from the College. The agreement is effective January 1, 2003, through May 31, 2005, and may be terminated by either party with written notice at least sixty-days prior to the commencement of the next succeeding semester or school term. There will be no exchange of funds between the parties to this agreement. (C90040430)

INTERGOVERNMENTAL/CLINICAL TRAINING AGREEMENT WITH MOHAVE COMMUNITY COLLEGE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental/Clinical Training Agreement with Mohave Community College to provide hands-on training for paramedics at Maricopa Medical Center. This is a non-financial agreement,

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effective upon signature through December 31, 2005. The contract may be extended for a total term not-to-exceed five years, and may be terminated by either party with 90-days written notice. (C90040442)

CLINICAL TRAINING AGREEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following Clinical Training Agreement:

- a. St. Joseph's Hospital & Medical Center to provide students in the Trauma Nurse Specialty Course with a hands-on experience in the Maricopa Medical Center Burn Unit. This is a non-financial agreement, effective upon signature through September 30, 2005. The contract may be extended for a total term not-to-exceed five years and may be terminated by either party with 90-days written notice. (C90040470)
- b. Lamson College for clinical training of participants in the following programs: Surgical Technologist, Nursing Assistant, Patient Care Technician, Medical Assistant. This is a non-financial agreement, effective upon signature through December 31, 2005. The contract can be renewed for three additional one-year periods, subject to approval by both parties. (C90040480)
- c. Guardian Air Transport for clinical training of Aeromedical Crew Members. This is a non-financial agreement, effective upon signature by both parties., through December 31, 2005. The contract can be renewed for two additional one-year periods, subject to approval by both parties. (C90040640)
- d. AIBT-International Institute of the Americas for Clinical Training of students in the Medical Assistant Program. This is a non-financial agreement effective upon signature by both parties. The term of the agreement is for twelve months following signature, with an option to extend for three additional one-year periods pending availability of funds and acceptable contractor performance. (C90045140)

PROVIDER MEMBER AGREEMENT WITH ARIZONA MEDICAL EDUCATION CONSORTIUM

Retroactive to January 1, 2003, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Provider Member Agreement with the Arizona Medical Education Consortium (AMEC), a non-profit corporation. The AMEC is organized and incorporated for the purpose of developing, coordinating, administering, sponsoring, or operating graduate medical education programs for institutions affiliated with the University of Arizona College of Medicine. Consortium members are health care providers and medical schools providing Graduate Medical Education Programs in Arizona that meet the requirements of the Consortium's bylaws. Pursuant to the bylaws of AMEC, the MIHS Chief Executive Officer would serve as one of 11 directors of the AMEC Board. As a member, MIHS would be assessed a portion of the annual operating costs of AMEC. MIHS' assessment is projected to be \$56,348 for the period January 1, 2003, through June 30, 2004. (C90040651)

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APPOINT ROBERT DEWAYNE JUSTICE TO THE FLOOD CONTROL DISTRICT CITIZEN'S ADVISORY BOARD

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Robert DeWayne Justice to the Flood Control District Citizen's Advisory Board, to fill the unexpired portion of a vacated term. The term will be from the date of Board approval through November 15, 2006. (C06040269) (ADM1902-001)

HEARING SET – JUSTICE COURTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for Wednesday, January 21, 2004, pursuant to the request of the Presiding Judge of the Superior Court of Arizona in Maricopa County, to consider amending the Justice Courts Case Management Fee approved by the Board on October 22, 2003, to authorize implementation of a corresponding fee of \$10.00 in small claims, forcible detainer and civil actions to be assessed upon the defendant at the time a responsive pleading is filed, effective February 1, 2004. The amended Justice Courts Case Management Fee will not apply to cases filed pursuant to ARS §22-282(B) (in which money judgment only is sought and the amount sought does not exceed fifty dollars). (C2404002701) (ADM1005)

HEARING SET – ANNEXATION-DEANNEXATION

Pursuant to ARS §9-471.02, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) schedule a public hearing for 9:00 a.m., Wednesday, January 21, 2004, regarding ordinances filed by the City of Peoria and the City of Glendale deannexing and annexing certain territory within their present corporate limits. The City of Peoria will deannex and the City of Glendale will annex a portion west of 75th Avenue and Rose Garden Lane, approximately 5.8 acres. (ADM4207)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for (meeting date), 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2000-204; Z2001-050; Z2003-013; Z2003-070; Z2003-114

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held September 15, 24, October 1, 6, 8, and November 6, 2003.

PAYMENT OF CLAIMS SUBMITTED BY THE ARIZONA STATE RETIREMENT SYSTEM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or

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former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (ADM3309)

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|--------------------|--------------------|------------------|--------------------|-------------------|
| Christine Jenson | Jose Baca | Lee Amy Bagdol | Darla Barnes | Earlyn Begay |
| Melanie J. Belec | Robert Black | James Blosser | John Briggs | Marjorie Cook |
| Vivian P. Delci | William F. Farrell | Pedro Gamboa | Mary Gilbert | Sally L. Golis |
| K. Gudenschwager | Robert Herz | Vanessa Hill | James C. Houser | Dorothy Kacer |
| B. William Kennedy | Esther Kennedy | Joyce G. Lane | Angela Lee | Richard J. Lingle |
| Diane Littrell | Ashok Madhok | Carol Marquardt | Veronica Maturo | Greg McCawley |
| Lucille G. Metcalf | Linda K. Myers | Juddith Nance | Judith C. Peck | Irving Pomerantz |
| Christina Quast | Dolores Ramirez | Mary A. Reed | Diane Rudnick | Julie Ruegsegger |
| Robert Ruiz | Arlene Sarver | David Sausedo | Vince Shomonta | Robert C. Smaltz |
| Ivan L. Smith | Solveig Springer | Pamela Standhart | Marilyn Stuart | George Stupski |
| Manford Tompkins | Nina Marie Way | Darlene Wezdenko | Margaret P. Wilson | |

CONTRIBUTIONS FOR THE 2004 COMBINED CHARITABLE CAMPAIGN

No contributions were reported at this time. (C88040057) (ADM3311-002)

CONTRIBUTIONS GENERATED FOR THE 2004 NACO ANNUAL CONFERENCE

No contributions were reported at this time. (C2003015M) (ADM652)

SETTLEMENT OF CLAIMS WITH MEDICAL SERVICE PROVIDERS

No claims were reported at this time. (ADM409-001)

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated December 17, 2003, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

OFFICIAL APPOINTMENTS AND OATHS OF OFFICE - OFFICE OF THE COUNTY ATTORNEY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Official Appointments and Oaths of Office of April Sponsel, Theresa Cole, Michael J. Goldstein, Steven M. Bonaguidi, Nancy Scott, Belle Whitney, Daphne D. Zubieta, Nancy L. Scott, Allister Adel DeNitto, Michael Kelley as special deputy county attorneys in the Office of the County Attorney.

SECURED TAX ROLLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

| Tax Roll | From No. | To No. | Net Result |
|-----------------|-----------------|---------------|-------------------|
| 2000 | 12109 | 12127 | -\$36,586.40 |

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| | | | |
|------|-------|-------|---------------|
| 2001 | 37701 | 37754 | -\$218,670.46 |
| 2002 | 13085 | 13148 | -\$93,650.14 |
| 2003 | 4615 | 5363 | -\$91,665.14 |

CANVASS OF ELECTIONS SUBMITTED BY SPECIAL DISTRICTS

Pursuant to ARS §16-642(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts listed below.

Rancho Grande Landerwood IWDD No. 24 (ADM4360)
Roosevelt Irrigation District (ADM4319)

TAX ABATEMENTS

No requests for tax abatements were received from the Treasurer's Office at this time. (ADM708)

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

| NAME | WARRANT | FUND | AMOUNT |
|------------------------|----------------|-------------|---------------|
| Carlos Lopez | 14-0161221 | Treasurer | \$438.65 |
| Shirley Breda | 23073156 | General | \$85.00 |
| Michael Joseph Stevens | 23077296 | General | \$85.00 |
| Rosanne Donovan | C071188 | Payroll | \$446.00 |
| Henry V Esparza | 23074042 | General | \$75.00 |
| Cindy Benner | 340515033 | Expense | \$571.20 |

SCHOOL

| NAME | SCHOOL | WARRANT | AMOUNT |
|-----------------------------|------------------------------|----------------|---------------|
| AZ School Board Association | Queen Creek Unified SD #95 | 430083370 | \$311.00 |
| Victor Schoenfeldt | Phoenix Elem SD #1 | 14-0045696 | \$1,030.47 |
| Buster H Thompson | Tolleson Union High SD #214 | 14-0048196 | \$533.34 |
| Colleen Kennedy | Superintendent of Schools | 14-0053056 | \$645.17 |
| Maria Cortez | Fowler SD | 14-0051895 | \$164.27 |
| Redburn Tire Company | Pendergast SD #92 | 44-0044592 | \$965.66 |
| First Rate Officials Group | Pendergast SD #92 | 44-40976 | \$150.00 |
| Hector Refrigeration | Liberty Elem SD #25 | 44-0022611 | \$440.30 |
| Best Buy | Litchfield Elem SD #79 | 44-0027540 | \$1,291.46 |
| Rieger Services | Agua Fria Union High SD #216 | 440010587 | \$1,272.00 |
| Roger Warner | Agua Fria Union High SD #216 | 440055934 | \$200.00 |

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STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

| NAME | AMOUNT |
|---------------------|------------|
| Jodine Ann Huffman | \$43.47 |
| Daniel Nathan Sloat | \$55.74 |
| Deborah Clevenger | \$11.73 |
| Debby L Rhodes | \$1,378.84 |
| Linda Kirk | \$17.11 |
| Adrienne Martinez | \$12.47 |
| Deborah M O'Hagan | \$6.82 |
| Tammy Betzer | \$544.19 |

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases, list dated December 17, 2003. (ADM704)

| 2001/2002/2003 | 2003 | 2004 |
|----------------|--------------|--------------|
| TX 01-000483 | TX 02-000356 | CV 03-015580 |
| 2002 | | ST 03-000030 |
| TX 01-000599 | | ST 03-000031 |
| TX 01-000605 | | ST 03-000076 |
| TX 01-000615 | | |

CLASSIFICATION CHANGES

No classification changes were reported at this time.

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held December 1, 2003.) (ADM407)

| | | | |
|-----------------------|------------|-------------------|------------|
| Jesus Balaguer-Rabago | \$3,000.00 | Patsy Brown | \$1,000.00 |
| William Carpenter | 1,500.00 | Ignacio Guzman | 4,500.00 |
| Cyarra Jones | 2,700.00 | Angela May | 732.00 |
| Hadley Nielsen | 5,000.00 | Reshea Patyon | 1,200.00 |
| Joshua Robertson | 300.00 | JoAnne Sandoval | 2,600.00 |
| Hang Thi Tran | 1,025.00 | Maritza Velazquez | 1,000.00 |
| Michael Wilson | 1,750.00 | | |

WRITE-OFFS

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested write-offs as payment in full. (Discussed in executive session held December 1, 2003.) (ADM407)

| | | | |
|------------------------|------------|---------------------------|-----------|
| Alex Binder | \$1,830.00 | Ian D. Dale | \$ 925.00 |
| Timothy L. Dishner | 770.00 | Timothy L. Dishner | 1,620.00 |
| Jacquelyn A. Chaliotis | 12.00 | Garnella V. Itule | 780.00 |
| Ryan Root | 1,037.00 | Lorie Rivas | 2,020.00 |
| Lorie Rivas | 520.00 | Cherry Diane Treat-Conger | 2,190.00 |

ADDENDUM

An addendum to this meeting called for the Board to convene in Executive Session in the Sullivan Conference Room, 301 West Jefferson, Phoenix, Arizona, to consider the following matter. Following the Executive Session the Board reconvened in Formal Session to vote on the matter. This portion of the meeting will be found at the end of this set of minutes.

ARS 38-431.03(A)(3) – Legal Advice and
ARS 38-431.03(A)(4) – Pending or contemplated litigation

SETTLEMENT DISCUSSION

Consider a settlement for TX 2003-000198 Maricopa County v. TWC-Chandler, L.L.C. and the Arizona State Board of Equalization.

April Theis, Deputy County Attorney
Roberta Livesay, Helm & Kyle, Special Counsel for Maricopa County

PUBLIC COMMENT

No member of the public came forward to speak at this time. (ADM605)

SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS

Supervisor Wilcox commented on the early presidential preference election in Arizona for the Democratic presidential candidates saying that it has brought every Democratic candidate to the state to campaign. The resulting publicity enables the state to surface on a national level and highlights many Arizona issues such as water, border control and immigration. She added that it is important to generate excitement so people will register and vote in the fall election. (ADM606)

Chairman Brock mentioned the recent state football championship game between Chandler's Hamilton Huskies and the Mountain View Toros, which went into three exciting overtimes. The Mountain View rooters on the Board (Supervisors Stapley and Kunasek) tried to maintain that the three overtimes meant that "both teams actually won!" All agreed that it was one of the most exciting high school football playoff games they had ever witnessed and congratulated both teams on the character and sportsmanship they had displayed on the field.

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Darren Gerard, Deputy Planning and Development Director, Gerard Silvani, Principal Planner, and

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Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **S2003-040 District 3**
 Applicant: Stanley Consultants, Inc.
 Location: Liberty Bell Way between Anthem Way and Meridian Dr. (in the Anthem area)
 Request: Final Plat in the R1-6 zoning district for Anthem Unit 55 (approximately 57.51 gross acres)

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve this final plat.

REGULAR AGENDA DETAIL:

2. **Z2003-015 District 4**
 Applicant: Charlie Keating / Peter Nelson, White Tank Storage Inc.
 Location: Southwest corner of Loop 303 and Northern Ave. (in the west Glendale area)
 Request: Rezone from IND-1 and IND-2 to C-3 P.D. – White Tank Storage (39.5 ac.).

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-015, subject to the following stipulations “a” through “f”. Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be in conformance with the zoning exhibit entitled “Combined Precise and Conceptual Site Plan for Zone Change Application White Tank Storage”, consisting of two sheets, dated stamped by the engineer September 29, 2003, and stamped received November 4, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “White Tanks Center, 303 Loop and Northern Avenue”, consisting of 21 pages, dated (revised) May 5, 2003, and stamped received November 4, 2003.
- c. The request to rezone to C-3 shall be denied as filed but approved for C-2 P.D. zoning. The C-2 P.D. zoning shall be limited to that area depicted on Sheet C-2 on the Zoning Exhibit as “Conceptual Plan.” This area shall be subject to a Plan of Development overlay.
- d. The zoning for White Tanks Center shall expire in three (3) years from the date of approval by the Board of Supervisors if a Precise Plan of Development has not been approved. A request for extension must be received at least six months prior to the expiration date.
- e. Dedication of additional rights-of-way to bring the total half-width dedication to 65’ for Northern Avenue shall occur within 6 months of approval of this request by the Board of supervisors, and prior to zoning clearance.
- f. The Precise Plan shall depict up to but no more than four access points onto Northern Avenue, or whatever else may be deemed appropriate by the Maricopa County Department of Transportation with Precise Plan approval.

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- g. Prior to Precise Plan approval, a traffic impact study will be required to address how the site will access Northern Avenue with development of the ultimate Northern and Loop 303 traffic interchange.
- h. The developer shall contribute their proportionate share of offsite regional roadway improvements. An area study shall be provided by the applicant to the Maricopa County Department of Transportation to determine the regional transportation needs and appropriate contribution. All roadways shall meet County standards in effect at the time they are approved.
- i. Prior to precise plan approval, the applicant shall analyze and provide the following to the Maricopa County Flood Control District:
 - Re-analyze the project's portion of Cotton Lane flow to channelize in a drainage easement without using County right-of-way.
 - Revise channel calculation along Northern Avenue to include proper freeboard.
 - Provide conclusive evidence to support the assumed 60% of flow along Northern Avenue.
 - Fence the retention basin, which exceeds three (3) feet in depth.
 - Provide percolation calculations to ensure that post development does not exceed pre-development.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- j. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 7 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Conditional Zoning provisions of the Maricopa County Zoning Ordinance.
- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

Mr. Gerard said that planning items #2 (Z2003-015) and #3 (Z2003-055) are related and would be taken together. He called attention to stipulations "c" and "d" and said the applicant had approved the changes to "c" (stipulation "d" is to be deleted).

In response to questions from Supervisor Wilson, Mr. Gerard said that access to the mini-storage facility would be from the north through an eventual driveway through a planned shopping center with a secondary access to Cotton Lane through existing easements. There was a concern that this facility would end up alone in the field should the anticipated shopping center not materialize. However, a Special Use Permit requires that the construction of this storage facility would have an end-date with or without the center.

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Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval with the deletion of stipulation "d" and inclusion of all other stipulations listed above. (Scribner's Note: There are two "i"s listed in the above stipulations – both are valid.)

- d. The zoning for White Tanks Center shall expire in three (3) years from the date of approval by the Board of Supervisors if a Precise Plan of Development has not been approved. A request for extension must be received at least six months prior to the expiration date.

- 3. **Z2003-055 District 4**
Applicant: Charlie Keating / Peter Nelson, White Tank Storage Inc.
Location: Southwest corner of Loop 303 and Northern Ave. (in the west Glendale area)
Request: Special Use Permit (SUP) for a mini-storage facility in the C-3 P.D. zoning district– White Tank Storage (2.2 ac.).

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-055, subject to the following stipulations "a" through "i". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled "Combined Precise and Conceptual Site Plan for Zone Change Application White Tank Storage", consisting of two sheets, dated stamped by the engineer September 29, 2003, and stamped received November 4, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "White Tanks Center Mini-Storage, 303 Loop and Northern Avenue", consisting of 19 pages, dated May 5, 2003, and stamped received November 4, 2003.
- c. The Special Use Permit boundary shall be modified from the applicant request and expanded to that area depicted on Page C-2 of the site plan as "Precise Plan."
- d. The emergency access driveway to Cotton Lane shall be paved within County right-of-way for Cotton Lane.
- e. Prior to zoning clearance, the applicant shall provide documentation that a 15' wide emergency access easement as depicted on Page C-2 of the site plan shall be recorded with the Maricopa County Records Office.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- g. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- h. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

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- i. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- j. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

Mr. Gerard reminded the Board that the discussion on the previous item also applies to this item.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "l" and staff recommendation of new stipulation "m."

- m. INGRESS/EGRESS SHALL BE APPROVED BY MCDOT PRIOR TO ZONING CLEARANCE AND SHALL PHYSICALLY BE IN PLACE PRIOR TO OCCUPANCY.

- 4. Z2003-036 District 4**
- Applicant:** Linette Garten for James Dunn
- Location:** South of Northern Ave. and east of Sarival Ave. (in the west Glendale)
- Request:** Major Amendment to a Special Use Permit (S.U.P.) (Z2000174) for an equestrian riding and roping arena – Dunn's Riding and Roping Arena (12.38 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-036, subject to the following stipulations "a" through "j". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall remain in compliance with the site plan entitled "Special Use Permit for Dunn's Riding and Roping Arena", consisting of one full-size sheet, stamped received September 19, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Dunn Riding Arena", consisting of two sheets, dated received September 21, 2001, as amended by the narrative memo dated June 20, 2003 and stamped received June 23, 2003, and as amended by the narrative memo dated September 17, 2003 and stamped received September 19, 2003, except as modified by the following stipulations.

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- c. All signage not in compliance with the underlying Rural-43 zoning district shall be permanently removed from the site.
- d. Stipulation "h" of Z2000174 shall be deleted.
- e. Stipulation "k" of Z2000174 shall be revised to read, "Additional screening shall be provided along the north and east sides of Parcel "C" of the SUP area. Said screening ~~to meet the standards established for parking lot screening in the C-2 zoning district~~ MAY CONSIST OF METAL PANELS AFFIXED TO A PIPE-RAIL FENCE."
- f. Prior to zoning clearance for any additional development on the subject property, the applicant shall obtain an as-built permit for the existing patio structure adjacent to the existing restroom building.
- g. Prior to erecting the Mare Motel on the site, the applicant shall obtain all of the necessary permits.
- h. Prior to allowing any RV's to utilize on-site electricity, the applicant shall obtain and have finalled the appropriate construction permits for each of the electrical pedestals to be used. The use of the RV spaces shall be limited to day-use only with no wet hook ups.
- i. The property owner shall submit a Status Report two (2) years from the date of approval of this Special Use Permit by the Board of Supervisors. Said Status Report shall indicate the status of the project and whether or not the project remains in compliance with the stipulations of approval. The Status Report shall be reviewed by staff, and may forwarded to the Planning and Zoning Commission for further consideration, if in staff's opinion the conditions of approval have not been met.
- j. All applicable remaining stipulations of case Z2000174 shall remain in force.

Mr. Gerard reported on previous action on this case, originally approved by the Board as case Z2000-174, from which this major amendment to the original Special Use Permit is based. He said that the Planning Commission and staff recommend approval.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "j."

EXECUTIVE SESSION

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to recess into Executive Session prior to a public vote to discuss the following matter pursuant to:

ARS 38-431.03(A)(3) – Legal Advice and

ARS 38-431.03(A)(4) – Pending or contemplated litigation

Consider a settlement for TX 2003-000198 Maricopa County v. TWC-Chandler, L.L.C. and the Arizona State Board of Equalization. (Addendum item #A-1.)

April Theis, Deputy County Attorney

Roberta Livesay, Helm & Kyle, Special Counsel for Maricopa County

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~ Supervisor Kunasek left the meeting ~

MEETING RECONVENED

The Board reconvened to consider a settlement for TX 2003-000198 Maricopa County v. TWC-Chandler, L.L.C. and the Arizona State Board of Equalization. (Addendum item #A-1.)

April Theis, Deputy County Attorney

Roberta Livesay, Helm & Kyle, Special Counsel for Maricopa County

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the settlement as listed above and authorize any legal action that may be necessary to enforce the settlement.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board